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DEPT FOR T, VCI AND EUR/PRA  
DOE FOR NNSA/NA-24  
CIA FOR WINPAC  
JCS FOR J5/DDGSA  
SECDEF FOR OSD(P)/STRATCAP  
NAVY FOR CNO-N5JA AND DIRSSP  
AIRFORCE FOR HQ USAF/ASX AND ASXP  
DTRA FOR OP-OS OP-OSA AND DIRECTOR  
NSC FOR LOOK  
DIA FOR LEA

E.O. 12958: DECL: 12/19/2019

TAGS: KACT MARR PARM PREL RS US START

SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA  
(SFO-GVA-VII): (U) U.S.-PROPOSED JOINT DRAFT TEXT OF THE  
PROTOCOL, DECEMBER 19, 2009 (CABLE 9 OF 23 CABLES)

REF: A. GENEVA 1208 (SFO-GVA-VII-162 CABLE 1 OF 12 CABLES)  
1B. GENEVA 1209 (SFO-GVA-VII-162 CABLE 2 OF 12 CABLES)  
1C. GENEVA 1210 (SFO-GVA-VII-162 CABLE 3 OF 12 CABLES)  
1D. GENEVA 1211 (SFO-GVA-VII-162 CABLE 4 OF 12 CABLES)  
1E. GENEVA 1212 (SFO-GVA-VII-162 CABLE 5 OF 12 CABLES)  
1F. GENEVA 1213 (SFO-GVA-VII-162 CABLE 6 OF 12 CABLES)  
1G. GENEVA 1214 (SFO-GVA-VII-162 CABLE 7 OF 12 CABLES)  
1H. GENEVA 1215 (SFO-GVA-VII-162 CABLE 8 OF 12 CABLES)

Classified By: A/S Rose E. Gottemoeller, United States  
START Negotiator. Reasons: 1.4(b) and (d).

11. (U) This is SFO-GVA-VII-162.

12. (S) The text at Paragraph 3 is the working document from which the U.S.-Proposed Joint Draft Text of the Protocol to the Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms dated December 19, 2009 will be prepared. It establishes the baseline for the next round of the negotiations. Because of the length of the document, text will be sent as separate cables. This is Cable 9 of 12 cables.

13. (S) Begin text:

Mobile Missile Issues

11. Notification, no later than 30 days after entry into force of the Treaty, providing the data from the unique identifier for each ICBM for mobile launchers of ICBMs existing as of the date of entry into force of the Treaty.

¶12. Notification, no less than 24 hours in advance, of the departure of each deployed mobile launcher of ICBMs and its associated missile from a restricted area, or other facility, for a relocation

¶13. Notification, no later than 48 hours after the arrival of each deployed mobile launcher of ICBMs and its associated missile at its destination, of the completion of the relocation

¶14. Notification of change in information regarding the departure of each deployed mobile launcher of ICBMs and its associated missile for relocation.

#### Throw Weight Issues

¶11. Notification, no less than seven days in advance of the eighth flight test of an ICBM or SLBM of each new type, of data about that ICBM or SLBM.

¶12. Notification, no less than 45 days in advance of each flight test, of data about such a flight test.

¶13. Notification, no later than five days after an ICBM or SLBM of a new type first becomes subject to the limitations provided for in Article II of the Treaty, of data about that ICBM or SLBM.

¶14. Notification, no later than five days after the flight test of an ICBM or SLBM during which a throw-weight greater

than its declared throw-weight was demonstrated, of data about that ICBM or SLBM.

#### Display in the Open

¶11. Notification containing a request for a display in the open of all mobile launchers of ICBMs located within specified restricted areas

¶12. Notification containing a request for a display in the open of all deployed heavy bombers equipped for nuclear armaments located within a specified air base

¶13. Notification, no later than 12 hours after receipt of a request pursuant to subparagraph XX of Section XX, concerning heavy bombers equipped for nuclear armaments that cannot be displayed on request because they are not readily movable due to maintenance or operations.

¶14. Notification, no later than 12 hours after receipt of a request pursuant to paragraph XX of Section XX, of the cancellation due to circumstances brought about by force majeure of the display in the open of mobile launchers of ICBMs located within specified restricted areas or within specified parking sites or of heavy bombers equipped for nuclear armaments located at a specified air base

#### Telemetry

¶11. Notification, no less than 30 days in advance of the demonstration pursuant to subparagraph 4(b) of Section I of the Telemetry Protocol, of the proposed date and place of the demonstration of the recording media or appropriate equipment to play back the telemetric information recorded on those media

¶12. Notification, following the demonstration provided for in subparagraph 4(a) or 4(b) of Section I of the Telemetry Protocol, of the request for the opportunity to acquire playback equipment pursuant to subparagraph 4(c) of Section I of the Telemetry Protocol

¶13. Notification pursuant to paragraph 3 of Section I of the Telemetry Protocol, no later than 60 days after receipt of recording media that contain a recording of telemetric

information, of the determination by the Party that has received the recording media of the incompleteness or insufficient quality of telemetric information recorded on the recording media that do not allow for the processing of such information

¶4. Notification, no less than 30 days in advance of a flight test after entry into force of the Treaty of an ICBM or SLBM on which encryption of telemetric information will be carried out pursuant to subparagraph XXX) of Section XXX of the XXX

¶5. Notification containing a request regarding training, maintenance, spare parts, and replacement parts for telemetry equipment

¶6. Notification containing a response to a request regarding training, maintenance, spare parts, and replacement parts for telemetry equipment

Notification of acceptance of or change to the proposed point of entry, and proposed date of arrival of the team or of the delivery of spare parts or replacement parts at the point of entry, or cancellation of a request regarding telemetry

SFO-VII  
Conforming Group  
JDT  
December 17, 2009

Protocol to the Treaty

## PART FIVE - INSPECTION ACTIVITIES

### Section I. General Provisions

¶1. For the purpose of helping to ensure verification of compliance with the provisions of the Treaty, each Party shall facilitate the conduct of inspection activities by the other Party in accordance with the provisions of this Part.

¶2. Each Party shall have the right to begin inspection activities 60 days after entry into force of the Treaty and to conduct them thereafter.

¶3. Each Party shall provide to the other Party notifications relating to inspection activities as provided for in Part Four of this Protocol.

¶4. Each Party shall have the right to conduct no more than one inspection on the territory of the inspected Party at any one time.

### Section II. Provisions Concerning the Legal Status of Inspectors, and Aircrack Members

¶1. Inspection activities shall be conducted by inspectors. Inspectors shall be transported to and from the territory of the inspected Party by inspection airplanes, commercial flights, and Open Skies airplanes.

¶2. The list of inspectors shall not contain at any one time more than 300 individuals. The number of individuals on the list of aircrack members shall be determined at the discretion of each Party, based on the premise that the number of aircrack members for each inspection airplane shall not exceed ten. Inspectors and aircrack members shall be citizens of the inspecting Party.

¶3. Each Party shall have the right to amend its lists of inspectors and aircrack members no more than once in each 45-day period. With each change, the number of inspectors whose names are entered in the list of inspectors shall not exceed 30, and the number of aircrack members whose names are entered in the list of aircrack members shall not exceed 25. The Party receiving notification of an amendment to the list

of inspectors or aircrew members shall provide notification in accordance with Part Four of this Protocol to the other Party of its agreement with or objection to the designation of each such inspector or aircrew member.

¶4. For each proposed inspector and aircrew member, the lists

shall contain first name, middle name or patronymic, and last name; day, month, and year of birth; city, state or oblast, and country of birth; and passport number, if available.

¶5. The initial exchange of lists of inspectors and aircrew members shall take place no later than 25 days after entry into force of the Treaty. No later than 30 days after the initial exchange of lists or after receipt of a notification of amendments to the lists of inspectors or aircrew members, the Party receiving such lists or proposed amendments thereto shall provide visas and, where necessary, such other documents to each individual to whom it has agreed, as may be required to ensure that each inspector or aircrew member may enter, remain in, and leave the territory of that Party throughout the in-country period. The inspected Party shall ensure that such visas and appropriate documents shall be valid for a period of at least 24 months, and the inspecting Party shall ensure that persons receiving such visas and appropriate documents shall use them only for the purpose of conducting inspection activities in accordance with the provisions of this Part.

¶6. An individual on the list of inspectors may be objected to only if that individual is under indictment for a criminal offense on the territory of the inspected Party, if that individual has been convicted in a criminal prosecution or expelled by the Party reviewing the list, or if that person has been previously deleted from the list at the request of the inspected Party for having violated the conditions governing the conduct of inspection activities as provided for in this Part. An individual on the list of aircrew members may be objected to if that individual is found unacceptable by the Party reviewing the list. The Party making such an objection shall so notify the other Party in accordance with Part Four of this Protocol. Individuals who are objected to shall be deleted from the lists.

¶7. In order to exercise their functions effectively, for the purpose of implementing the Treaty and not for their personal benefit, the inspectors and aircrew members shall be accorded the following privileges and immunities for the entire time the inspectors or aircrew members are within the territory of the other Party:

(a) Such personnel shall be accorded the inviolability enjoyed by diplomatic agents in accordance with Article 29 of the Vienna Convention on Diplomatic Relations of April 18, 1961, and the immunities accorded to diplomatic agents in accordance with paragraphs 1, 2, and 3 of Article 31 of that Convention.

(b) The papers and correspondence of such personnel shall enjoy the inviolability accorded to the papers and correspondence of diplomatic agents in accordance with Article 30 of the Vienna Convention on Diplomatic Relations.

(c) Inspection airplanes transporting inspection teams to and from the points of entry shall be inviolable.

(d) Inspectors and aircrew members shall have the right to bring into the territory of the inspected Party, without payment of any customs duties or related taxes or charges, articles for their personal use, provided, however, that they

shall not be permitted to bring into the territory of the inspected Party any articles, the import or export of which is prohibited by law or controlled by quarantine regulations of the inspected Party.

(e) If the inspected Party considers that there has been an abuse of privileges and immunities provided for in this paragraph, consultations shall be held between the Parties to determine whether such an abuse has occurred. If it is determined that such an abuse has occurred, the inspecting Party shall take necessary measures to prevent a repetition of such an abuse.

(f) During their stay in the territory of the inspected Party, without prejudice to the privileges and immunities provided for in this paragraph, inspectors and aircrew members shall be obliged to respect the laws and regulations of the inspected Party, shall be obliged not to interfere in its internal affairs, and shall not engage in any professional or commercial activity for personal profit on the territory of the inspected Party.

¶8. Following the completion of their official functions on the territory of the inspected Party, with respect to acts performed by inspectors and aircrew members in the exercise of their official functions, the immunity of such personnel shall continue to apply in accordance with paragraph 2 of Article 39 of the Vienna Convention on Diplomatic Relations.

### Section III. Arrangements for Air Transportation

¶11. Each Party shall establish on its territory two points of entry. The points of entry, airports associated with them, and their associated inspection sites shall be listed in Part Two of this Protocol.

¶12. The inspecting Party shall have the right to use agreed types of inspection airplanes for the transportation of inspectors to the points of entry on the territory of the inspected Party. Such airplanes may, at the same time that they are transporting inspectors, carry equipment intended for inspection activities. The inspecting Party shall provide the relevant notification of each flight of an inspection airplane transporting inspectors.

¶13. The inspecting Party shall have the right to use airplanes making regularly scheduled commercial flights to transport inspectors to those points of entry that are served by such airplanes. The provisions of this Part shall not apply to airplanes making regularly scheduled commercial flights that are used for the transportation of inspectors to points of entry, or their aircrews.

¶14. Each Party may use Open Skies airplanes making observation flights over the territory of the inspected Party for the transportation of inspectors to and/or from the points of entry so long as the inspecting Party complies with the provisions provided for in paragraph 19 of Section V of this Part.

¶15. The routes for flights of inspection airplanes to and from the points of entry shall be listed in Part Two of this Protocol. Flight plans shall be filed in accordance with the

procedures specified in Part Four of this Protocol.

¶16. The inspected Party shall provide parking, security protection, fueling, air navigation, airport facility, ground technical and commercial services, as well as additional services as requested, for inspection airplanes of the inspecting Party at the point of entry. The cost of fueling, air navigation, airport facility, ground technical and commercial services, and parking and security for each such airplane, as well as additional services as requested, shall be borne by the inspecting Party.

### Section IV. Activities Beginning Upon Arrival at the Point of Entry

¶11. Inspection teams and aircrew members shall arrive at the point of entry on the territory of the inspected Party that is associated with the inspection site. Upon arrival at the

point of entry, the in-country escort shall meet the inspection team and aircrew members and shall expedite their entry and the entry of their baggage and equipment intended for inspections, which shall be exempt from all custom duties and taxes. The in-country escort shall accompany the inspection team and assist it in exercising its functions during the entire period it is in the territory of the inspected Party. Storage of equipment and supplies at each point of entry shall be within a secure structure or room.

¶2. As soon as an airplane lands, diplomatic officials from the embassy or consulate of the inspecting Party shall also meet the inspection team and aircrew members. Diplomatic officials may accompany inspectors only during their stay at the point of entry, but may accompany the aircrew members during the entire period they are in the territory of the inspected Party.

¶3. An inspector shall be considered to have assumed the duties of an inspector upon arrival at the point of entry on the territory of the inspected Party and shall be considered to have ceased performing those duties after departure from the territory of the inspected Party through the point of entry.

¶4. Equipment that the inspecting Party brings into the country shall be subject to examination each time they are brought into that country. Such equipment shall be examined by the in-country escort, in the presence of inspectors. The purpose of such examination shall be to ascertain to the satisfaction of each Party that the equipment cannot perform functions unconnected with the requirements of inspections. The examination of the equipment shall be completed prior to the departure of the inspection team from the point of entry for the site where inspection activities are to take place. The list of inspection equipment and the procedures for its examination and use shall be specified in the Annex on Inspection Activities to this Protocol.

¶5. At the point of entry, the inspection team leader shall at or before the time for the designation of the inspection site specified in the notification provided in accordance with Part Four of this Protocol, designate in writing to the inspected Party through the in-country escort the type of inspection and the specific site of the inspection activity.

¶6. For Type One inspections:

(a) A member of the in-country escort shall inform the inspection team leader no later than two hours after designation of the inspection site of the number of deployed ICBMs, deployed SLBMs, or deployed heavy bombers currently located at the designated base.

(b) If at the designated base, less than 50 percent of the deployed ICBMs based at the base are present, less than 30 percent of SLBMs launchers based at the base are present, or less than 70 percent of the heavy bombers based at the air base for heavy bombers equipped for nuclear armaments are present, no later than one hour after such notification, the inspection team leader shall have the right to:

(i) inform the member of the in-country escort that the inspection of the designated base shall take place; or

(ii) designate another inspection site associated with the same point of entry; or

(iii) decline to conduct the inspection and leave the territory of the inspected Party. In this case the number of such inspections to which the inspecting Party is entitled shall not be reduced.

(c) For sequential inspections, the procedures provided for in subparagraphs (a) and (b) above shall be carried out at the location at which the inspection team leader

designates the subsequent inspection site.

¶7. The activities of inspection teams on the territory of the inspected Party may be covered by the mass media only at the point of entry. The inspected Party shall determine the appropriate procedures.

- (( ))1 Proposed by the United States
- (( ))2 Proposed by the Russian Federation

End text.

¶4. (U) Gottemoeller sends.

GRIFFITHS